RECEIVED
CENTRAL FAX CENTER

AUG 21 2007

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Gregory Griffin et al.	**EXAMINER:**	Vishal A. Patel
APPL. NO.:	10/777,745	**GROUP ART UNIT:**	3673
FILED:	February 12, 2004	**ATTY DKT NO.:**	D5260
TITLE:	Gasket		

Certificate of Facsimile

I hereby certify that this 5-page paper is being transmitted to Commissioner For Patents by facsimile to the official facsimile center number (571) 273-8300 on 21 August 2007.

G. Boller

Mail Stop Appeal Brief - Patents
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This paper comprises a timely reply to an Examiner's Answer dated June 22, 2007 and will continue to reference the issues on appeal by the same designation used in Section VII (Argument) of the Appeal Brief.

VII. A. - Rejection of Claims 1-4 and 6-7 under 35 U.S.C. §112, second paragraph.

Appellant continues to rely on the argument presented in the Appeal Brief, as re-emphasized here by observing that in various references of record, the claims recite a "gasket" and then define the "gasket" to comprise diverse component parts. The Examiner's reasoning for this rejection is therefore inconsistent with, and indeed contrary to, precedent. Appellant respectfully requests reversal of this rejection. The Answer correctly notes that Claim 8 was not included in this rejection, and Appellant apologizes for having mistakenly referred to it in the Appeal Brief.

VII. B. - Rejection of Claims 1-3 and 6-12 under 35 U.S.C. §103(a) as unpatentable over Schenk, in view of Farnam, and further in view of Fucci et al.

The first sentence in the Answer is not understood.

That said, Appellant continues to rely on the argument presented in the Appeal Brief, and amplifies that argument in view of the portion of the Examiner's Answer bridging Pages 8 and 9 which relies on a quotation from Farnam for allegedly teaching "..all degree of elastomeric material to rigid material, phenolic filled asbestos is considered to be an elastomeric material..", and which then newly cites Harris (4,091,141) as evidence that "phenolic filled asbestos is considered to be an elastomeric material (column 6, lines 1-6)."

Appellant respectfully asks the Board to recognize the serious factual error in the Answer's analysis.

The materials that Farnam mentions are not, as the Examiner contends by reliance on newly cited Harris, phenolic filled asbestos. Rather they are "phenolic filled asbestos millboard laminates" (underlining is for emphasis) and "phenolic filled asbestos paperboard laminates" (underlining is once again for emphasis).

The following quotation is taken from http://www.sealinfo.com/index.cfm/objectid:F716F354-3048-7098-AF602649CF69D462:

> "Interface Solutions' millboard materials are strong, thin, dense boards with excellent insulating characteristics. They are made from ceramic fiber, clay, inert fillers, and a small amount of organic and/or inorganic binders for increased handling strength. Interface Solutions' millboard contains no asbestos and can be easily substituted for asbestos millboards in a variety of applications up to 2300°F. The high density and excellent compressive strength allow it to be used in abusive environments as refractory back-up, personnel protection, and it will withstand contact

with molten metals. Millboards are available for steel, glass, and aluminum appliances and a variety of other applications requiring high temperature performance, and the boards have good dielectric strength and can be die-cut for gasketing applications."

It is submitted that the reference to "can be die-cut for gasketing applications" contradicts any contention that such materials are elastic.

A further definition that was obtained from http://www.tis-gdv.de/tis_e/ware/papier/vollpapp/vollpapp.htm

states:

"Product description

Millboard is the generic term for any solid paperboard which, unlike corrugated board, contains no cavities. The surfaces may be finished by couching, i.e. applying an outer layer made from higher grade raw materials onto the web while it is still wet (to give "lined paperboard"). The properties of millboard may also be improved by adhesive lamination, lining, impregnating or coating. Millboard is made as machine-made board or wet machine board.

Millboard is a flat packaging material which is preferably made from chemical pulp and/or mechanical pulp. Its basis weight is > 600 g/m², i.e. greater than that of paper and cardboard.

According to [62], a distinction is drawn between the following types of paperboard depending upon the raw material used or the intended use:

Wood board: made from wood pulp;

Grayboard: made from waste paper.

Auto panel board: bulky, bituminized paperboard, made from waste paper.

Fine board (hard board): stiff, non-splitting paperboard with a hard surface, generally made from higher grades of waste paper, chemical pulp and textile waste. Types of fine board include bookbinding board, fireboard, jacquard board, gasket board, suitcase board, shoe board, pressboard and punching board.

Roofing felt: paperboard impregnated with tar, bitumen and/or natural asphalt"

Hence, from these two public sources of information, one of ordinary skill would understand that the particular millboard and paperboard materials that Farnam mentions are not elastomeric, as the Examiner's Answer contends, but rather are rigid non-elastic boards. As further confirmation of this, the Board is referred to Harris' discussion which states:

> "They [meaning the polyester-phenolic compositions] are especially useful in the impregnation or coating of fiber webs such as formed of mineral (asbestos, glass, mineral wool, etc.) or organic (polyester, etc.) fiber, forming highly desirable elastomeric webs of superior physical characteristics. The polyester-phenolic compositions in accordance with the present invention can be easily introduced by a squeegee technique into various fibrous webs and, upon exposure to ultraviolet, yields a highly oil-resistant and heat-resistant gasket. The heat resistance improves as the amount of phenolic in the composition is increased."

Harris is talking about "fibrous or fiber webs", not about millboard or paperboard!

The Answer's contention is factually incorrect.

It is respectfully submitted that this rejection should be reversed because Appellant has shown that the combination does not teach the subject matter as a whole of these claims.

VII. C. - Rejection of Claims 1-3 and 6-12 as unpatentable under 35 U.S.C. §103(a) over Belter, in view of Farnam, and in further view of Fucci

Appellant continues to rely on the argument presented in the Appeal Brief. Appellant further points out that the same factual error in analyzing Farnam (discussed above in VII. B. of this paper) was made in this rejection. It is respectfully submitted that this rejection should be reversed because this combination does not teach the subject matter as a whole of these claims.

VII. D. - Rejection of Claim 4 under 35 U.S.C. §103(a) as unpatentable over Schenk, in view of Farnam, in further view of Fucci, and in further in view of Inclong

Appellant continues to rely on the argument presented in the Appeal Brief. Appellant further points out that the same factual error in analyzing Farnam (discussed above in VII. B. of this paper) was made in this rejection. It is respectfully submitted that this rejection should be reversed because this combination does not teach the subject matter as a whole of this claim.

App. No. 10/777,745 GAU 3673 Docket: D5260

VII. E. - Rejection of Claims 13-20 under 35 U.S.C. §103(a) as unpatentable over Belter, in view of Farnam, in view of Fucci, and further in view of Nenzell

Appellant continues to rely on the argument presented in the Appeal Brief. Appellant further points out that the same factual error in analyzing Farnam (discussed above in VII. B. of this paper) was made in this rejection. It is respectfully submitted that this rejection should be reversed because this combination does not teach the subject matter as a whole of these claims.

VII. F. - Rejection of Claims 13-20 under 35 U.S.C. §103(a) as unpatentable over Schenk in view of Farnam and Fucci, and further in view of Nenzell.

Appellant continues to rely on the argument presented in the Appeal Brief. Appellant further points out that the same factual error in analyzing Farnam (discussed above in VII. B. of this paper) was made in this rejection. It is respectfully submitted that this rejection should be reversed because this combination does not teach the subject matter as a whole of these claims.

Respectfully submitted,

Date: August 21, 2007 By: _____
George L. Boller #26258

17199 N. Laurel Park Drive – Suite 316
Livonia, MI 48152
Voice: (734) 432-7900
Fax: (734) 432-7997